MEMORANDUM

TO: COMMITTEE OF COUNSEL

FROM: Fred Panzer

DATE: October 8, 1982

Attached are three amendments to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Senator Stafford intends to take them up early in the next Congress.

Two are of interest to us: The amendment to set up a Superfund to compensate victims of toxic substances, and the amendment for full disclosure of all additives and pesticide residue on tobacco and tobacco products.

The Superfund amendment is based on a two-year study by twelve lawyers representing the American Bar Association, American Trial Lawyers Association, National Association of Attorneys General and the American Law Institute. The plan envisions a two-tier system of financial remedies for victims of hazardous wastes: 1) a so-called Tier One remedy to provide for no-fault compensation for hazardous waste injuries, managed by the states under a federal program. Operating somewhat like workers' comp, it would provide full recovery for a person's medical expenses and, within certain limits, recovery for two-thirds of a person's loss of earnings; 2) Tier Two remedies would provide improvements in tort solutions.

The Chemical Manufacturers Association opposes the proposal, saying the recommendations would overturn a fundamental principle of our society --- that people should pay only for damages they cause.

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